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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/038,894 | 12/31/2001 | David A. Wyatt | 42390.P13869 | 8819 |

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| EXAMINER | |
|---|---|
| BULLOCK JR, LEWIS ALEXANDER | |
| **ART UNIT** | **PAPER NUMBER** |
| 2195 | |

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/038,894 | WYATT, DAVID A. | |
| | Examiner | Art Unit | |
| | Lewis A. Bullock, Jr. | 2195 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *22 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *17-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by RICHEK (U.S. Patent 5,450,570).

As to claims 1 and 21, RICHEK teaches a computer-implemented method, comprising: maintaining a global resource namespace (configuration file / array) including a list of a plurality of child and parent resource objects (via the resource segments indicating a parent status and a grandparent status) of an integrated circuit and a representation of the relationship among the child and parent resource objects (via the resource segments indicating a parent status and a grandparent status); and rebalancing the plurality of resource objects (via determining a conflict and performing the allocate and backtrack subroutines to alleviate the conflict) (col. 5, lines 54 – col. 6, line 2; col. 4, lines 18-40; col. 15, lines 41-66; col. 21, lines 33-65; col. 28, lines 7-45; col. 29, lines 21 – col. 30, line 61; col. 31, lines 5-col. 32, line 16; col. 37, lines 42 – col. 38, line 19; col. 39, lines 15 – col. 40, line 26). It is inherent to the teachings of RICHEK that since resources are balanced from one resource object, e.g. entry, to another resource object, e.g. entry, that the receiving resource object, e.g. entry having a parent segment (child entry) is a consumer of a resource when they are balanced from a

sending resource object, e.g. entry not having a parent segment (parent entry) that has the resource.

As to claim 2, RICHEK teaches rebalancing the plurality of resource objects includes recalculating available resources (via determining a conflict and performing the allocate and backtrack subroutines to alleviate the conflict with alternative resources or reallocate a parent resource based on its alternative resources) (col. 5, lines 54 – col. 6, line 2; col. 4, lines 18-40; col. 15, lines 41-66; col. 21, lines 33-65; col. 28, lines 7-45; col. 29, lines 21 – col. 30, line 61; col. 31, lines 5-col. 32, line 16; col. 37, lines 42 – col. 38, line 19; col. 39, lines 15 – col. 40, line 26).

As to claim 3, RICHEK teaches rebalancing the plurality of resource objects includes determining whether the available resources are less then currently consumed resources(via determining a conflict and performing the allocate and backtrack subroutines to alleviate the conflict with alternative resources or reallocate a parent resource based on its alternative resources) (col. 5, lines 54 – col. 6, line 2; col. 4, lines 18-40; col. 15, lines 41-66; col. 21, lines 33-65; col. 28, lines 7-45; col. 29, lines 21 – col. 30, line 61; col. 31, lines 5-col. 32, line 16; col. 37, lines 42 – col. 38, line 19; col. 39, lines 15 – col. 40, line 26).

As to claim 4, RICHEK teaches rebalancing the plurality of resource objects includes allocating a temporary namespace if the available resources are less than the

currently consumed resources (via alleviating the conflict by using a generic configuration file, reassign the resources, and resaving the configuration) (col. 44, lines 45 – col. 45, line 3; col. 46, lines 24-46; col. 53, lines 4-42).

As to claim 5, RICHEK teaches rebalancing the plurality of resource objects includes for each child resource object determining whether the child resource object has an owner (via determining a conflict, hence a resource is owned by another entity and performing the allocate and backtrack subroutines to alleviate the conflict with alternative resources or reallocate a parent resource based on its alternative resources) (col. 5, lines 54 – col. 6, line 2; col. 4, lines 18-40; col. 15, lines 41-66; col. 21, lines 33-65; col. 28, lines 7-45; col. 29, lines 21 – col. 30, line 61; col. 31, lines 5-col. 32, line 16; col. 37, lines 42 – col. 38, line 19; col. 39, lines 15 – col. 40, line 26).

As to claim 6, RICHEK teaches rebalancing the plurality of resource objects includes performing an attachment routine for each child object that is found to have an owner (via determining a resource can be shared or alternative resources can be used and thereby allocating the resource) (col. 5, lines 54 – col. 6, line 2; col. 4, lines 18-40; col. 15, lines 41-66; col. 21, lines 33-65; col. 28, lines 7-45; col. 29, lines 21 – col. 30, line 61; col. 31, lines 5-col. 32, line 16; col. 37, lines 42 – col. 38, line 19; col. 39, lines 15 – col. 40, line 26).

As to claim 7, RICHEK teaches rebalancing the plurality of resource objects includes destroying the old global resource namespace (via alleviating the conflict by using a generic configuration file, reassign the resources, and resaving the configuration) (col. 44, lines 45 – col. 45, line 3; col. 46, lines 24-46; col. 53, lines 4-42).

As to claim 8, RICHEK teaches rebalancing the plurality of resource objects includes renaming the temporary namespace to become a new global resource namespace (via resaving the configuration and using this configuration) (col. 44, lines 45 – col. 45, line 3; col. 46, lines 24-46; col. 53, lines 4-42).

As to claims 9-16 and 22, reference is made to a medium that corresponds to the method of claims 1-8 and 21 and is therefore met by the rejection of claims 1-8 and 21 above.

### *Claim Rejections - 35 USC § 112*

3. Claim 22 recites the limitation "the machine readable medium of claim 3" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### *Response to Arguments*

4. Applicant's arguments filed May 22, 2006 have been fully considered but they are not persuasive. Applicant argued that the stored relationship between the resource objects is producer and consumer that is not taught by the teachings of Richek. The

examiner disagrees. First, the claims do not state that the stored relationship is a producer and consumer relationship. The claims teach that a child resource consumes resources and a parent resource produces resources. This **would not** allude to the stored relationship being a produce-consume relationship. The rebalancing of the resources among the resource objects could make some objects consumers since they receive resources that were previously allocated to other resources, thereby known as producers. Richek teaches this concept of rebalancing resources from resource entries to other entries wherein one entry is a producer and another entry is a consumer. Arguing that the stored relationship is not a producer-consumer relationship would be reading such a limitation into the claim language is improper under M.P.E.P. 2111 wherein claims are given their broadest reasonable interpretation consistent with the specification without reading in limitations from the specification. In addition, claims 9-16 make no mention of this limitation. Applicant is improperly applying this argument to these claims without the limitation even being present.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 16, 2006

LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER